



RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1614

Attorney Docket No. 5573-124

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whittle et al.
Serial No.: 09/648,490
Filed: August 25, 2000
For: *FT-Raman Spectroscopic Measurement*

Confirmation No.: 5616
Group Art Unit: 1614
Examiner: Kwon

Date: February 18, 2005

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(a)

Sirs:

I, Jarett K. Abramson, am an attorney of record of the disclaimant, aaiPharma, Inc., and am authorized to execute this disclaimer on behalf of aaiPharma, Inc. The disclaimant, aaiPharma, Inc, having a principal place of business at 2320 Scientific Park Drive, Wilmington, NC 28405, is the owner of all right, title, and interest in the above-identified application by Assignment, a copy of Assignment as filed is enclosed.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. 6,262,086, for claims 9-16, issued July 17, 2001, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on July 20, 2001, at Reel 11995, Frame 115; U.S. Patent No. 6,268,385, for claims 1-5, issued July 31, 2001, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on August 3, 2001, at Reel 12047, Frame 778; U.S. Patent No. 6,369,087, for claims 19-29, issued April 9, 2002, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on September 7, 2001, at Reel 12153, Frame 105; U.S. Patent No. 6,653,329, for claims 1-30, issued November 25, 2003, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on February 3, 2004, at Reel 14301, Frame 184; and U.S. Patent No. 6,667,324, for claims 1-4, issued December 23, 2003, as

03/07/2005 KHARMON 00000000 500220 09648490

01 FC:1814 130.00 DA

ENTRY OF AMENDMENTS

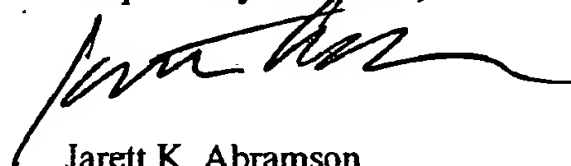
The amendments to the claims above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, Applicants believe that the amendments do not raise new issues or require a further search. Applicants further submit pursuant to 37 C.F. R. § 1.116, amendments after final presenting rejected claims in better condition for allowance may be admitted.

CONCLUSION

In view of the remarks presented herein, Applicants respectfully submit that the claims define patentable subject matter. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Respectfully submitted,



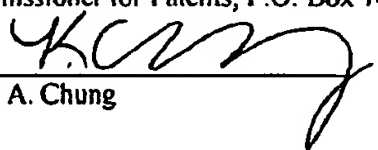
Jarett K. Abramson
Registration No. 47,376

USPTO Customer No. 20792
MYERS BIGEL SIBLEY & SAJOVEC
Post Office Box 37428
Raleigh, North Carolina 27628
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATE OF EXPRESS MAIL

Express Mail Label Number EV 473662173 US
Date of Deposit: February 18, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Katie A. Chung